
**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE
MIDTOWN COMMUNITY PLAN**

TO: State Clearinghouse, Interested Persons, and Agencies
DATE: June 30, 2010
SUBJECT: Notice of Preparation of a Draft Environmental Impact Report
LEAD AGENCY: City of Fremont
PROJECT NAME: Midtown Community Plan & Design Guidelines
PROJECT AREA: City of Fremont

The City of Fremont will be the Lead Agency for preparation of an Environmental Impact Report (EIR) for the Midtown Community Plan, which is intended to guide future development within an approximately 110-acre area bounded by Fremont Boulevard, Mowry Avenue, Paseo Padre Parkway and Walnut Avenue through 2030. The City of Fremont estimates that buildout of the Midtown area will occur over multiple years in a combination of redevelopment of existing developed sites and new development on vacant properties. We request comments from your agency regarding the scope and content of the environmental information to be addressed in the EIR. Comments should be limited to issues germane to your agency's statutory responsibilities in connection with the proposed project. The EIR may be used by your agency when considering subsequent permits or approvals necessary for this project. A brief description of the proposed project, its site boundaries, and a summary of the potential environmental effects are attached. Additional project information is available on the City's website, at: www.fremont.gov/ceqa.

The proposed project, its location, and its potential environmental effects are described in the attached materials. An initial study was not prepared for this project.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. **Written comments will be accepted until August 2, 2010 at 4:00pm.** A scoping meeting is scheduled for 1:30 p.m. on July 15, 2010. The meeting will be held at the City of Fremont Development Services Center in the Niles Room at 39550 Liberty Street, Fremont, California, 94538.

Please send your written responses, including the name of the contact person with your agency, to Kelly Diekmann, Senior Planner, at the address below:

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Planning Division
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MDTOWN COMMUNITY PLAN PROJECT DESCRIPTION

1. Project Title

Midtown Community Plan & Design Guidelines

2. Lead Agency Name and Contact

City of Fremont
Community Development Department
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006

Kelly Diekmann, Senior Planner
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3. Project Location

The approximately 110-acre Midtown area is located in central Fremont, California (see **Attachment A**), and is bound by Fremont Boulevard, Mowry Avenue, Paseo Padre Parkway and Walnut Avenue (see **Attachment B**). Although there are vacant areas within the Midtown area, most of the Midtown area has already been developed, with current uses ranging from large shopping centers (e.g., Fremont Plaza and Town Fair) and Fremont City Hall to single-family residences.

4. Surrounding Land Uses

The Midtown area generally abuts developed areas. The Gateway Plaza Shopping Center is located north of the Midtown area across Paseo Padre Parkway. East of the Midtown area across Walnut Avenue are the Alameda County Veterans Memorial Park and Courthouse, offices, Fremont Hospital, assisted living facilities and retail operations. The Fremont Hub Shopping Center and Williams Historical Park are located south of the Midtown area across Fremont Boulevard. The area west of the Midtown area across Mowry Avenue is generally characterized by multi-family residential development, and a large vacant parcel at the southwest corner of Paseo Padre Parkway and Mowry Avenue.

5. General Plan and Zoning

Under the current General Plan the entire Midtown area is designated Central Business District (CBD), with the exception of a small area designated as Institutional Open Space (I-OS) for a civic park in the vicinity of Walnut Avenue and State Street. More specifically, the Midtown area is known as the “Focus Area” of the Central Business District Concept Plan.

The major portion of the Midtown area is zoned CBD (Central Business District), which is intended to provide for a concentration of retail, service, and office uses reflecting the needs of the entire city and the subregion. There are three areas designated Planned Development (P). One, P-2009-9, allows development of a civic park and 301 multi-family units known as Urban Housing and is located on 3.85 acres surrounded by Walnut Avenue, California Street and Beacon Avenue. . A second area, P-2005-76, extends along both sides of Mt. Vernon Street allowing for mixed-use development

(commercial space and residential use above at 50 – 70 units/acre). A third area, P-2008-177, is located at the northeast corner of Capitol Avenue and Hastings Street allowing a 4-story mixed-use (12 residential units over two levels of retail and office space). Planned development areas are intended to encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the city, which features variations in siting, mixed land uses, and/or varied dwelling types.

6. Description of the Project

The vision of the Midtown Community Plan is a vibrant mixed-use urban destination with street level commercial activities and mid-rise office and residential buildings. Under the Midtown Community Plan, a range of uses would be allowed, and the Plan will establish form-based design guidelines for future development. The Plan will provide development flexibility for individual sites so that they may support either residential or non-residential uses when consistent with the overall design intent of the Plan. In order to promote relatively high development densities in this section of Fremont, the Midtown Community Plan will require a minimum site development floor area ratio (FAR) of 0.80 to assure achievement of urban design and Transit Oriented Development (TOD) goals. The Plan incorporates LEED Neighborhood Development (ND) principles, and will ultimately be a certified LEED ND plan.

For the purposes of the environmental review, the following development assumptions of Midtown buildout describe the redevelopment and intensification of the existing 1,000,000 square feet of existing commercial, office, and civic uses through 2030. Development assumptions consider an average buildout of 1.5 FAR throughout Midtown. Design Guidelines and particular zoning standards will not impose height restrictions but establish design requirements for build-to lines at street property lines, pedestrian-oriented ground floors, parking standards, green building, public art, and materials and finishes.

<u>Land Use Category</u>	<u>Total Development at Buildout</u>
Office	1,988,800 square feet
Civic	278,000 square feet
Retail/Commercial	443,100 square feet
Residential	2,500 units
Open Space/Plaza	2.3 acres

Office uses under the Midtown Community Plan will include general office, professional services and medical offices. Development anticipated under the Civic land use category includes consolidation of City office space and a new performing arts venue, with these uses coordinated around public open space and plazas. Retail/Commercial development will include establishments that provide personal services, restaurants, retail shops and other uses consistent with downtown development patterns. Residential development will consist of high-density urban housing types. Minimum density guidelines for residential development will be 50 units per acre if projects are stand-alone residential development not integrated within mixed-use buildings.

The Midtown Community Plan emphasizes TOD and improved connectivity with the extension of Capitol Avenue to Fremont Boulevard. The Plan includes new sidewalk and street right-of-way sections that include bicycle lanes, street parking, street trees, and wide sidewalks. No vehicular capacity improvements are anticipated in conjunction with the development of the Midtown.

7. Project Approvals

The Project EIR will be used to provide decision-makers and the general public with relevant environmental information to use in considering the following actions:

- Amend the General Plan
- Adopt Midtown Community Plan
- Amend Zoning Districts
- Adopt Standard Specifications for Public Improvements
- Adopt Design Guidelines

MIDTOWN COMMUNITY PLAN ENVIRONMENTAL REVIEW

1. Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; examine methods of reducing adverse environmental impacts; and consider alternatives to the project.

The Project-level Midtown Community Plan Environmental Impact Report (EIR) will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the *CEQA Guidelines*. In accordance with CEQA requirements, the EIR will include the following:

- Summary of the proposed project and its potential environmental effects;
- Description of the proposed project;
- Description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Cumulative impacts;
- Alternatives to the proposed project; and
- Other Environmental consequences of the project, including: 1) the growth-inducing impacts of the proposed project; 2) any significant environmental effects which cannot be avoided if the project is implemented; 3) any significant irreversible and irretrievable commitments of resources; and 4) effects found not to be significant.

The EIR identifies the general effects of development envisioned under the Midtown Community Plan. The degree of specificity in the EIR reflects the level of detail provided in the Midtown Community Plan. Following City of Fremont adoption of the Midtown Community Plan, subsequent development activities and other actions would be necessary to implement the policies included in the Midtown Community Plan. The EIR will address the potential environmental impacts of those subsequent actions to the extent possible, given the conceptual nature of the Midtown Community Plan. When subsequent individual development projects are proposed within the Midtown area, additional site-specific environmental review may be required to evaluate and disclose project-level impacts in accordance with CEQA, as well as to demonstrate conformance with Midtown Community Plan goals, objectives and policies.

It should be noted that the level of residential and non-residential development assumed for the purposes of the EIR evaluation is much greater than the level of development that has actually taken place in the Midtown area in recent times, and represents an “upper limit” set of assumptions for development during the planning period to provide the basis for the assessment of potential environmental impacts. The level of development assumed under the Midtown Community Plan would accommodate a significant portion of the City of Fremont’s “fair share” of the regional housing need, but development decisions are often driven by economic factors which would not be influenced in any substantive way by the Midtown Community Plan. Although the Midtown Community Plan would permit more intensive development than has been experienced in recent years, it is probable that actual development during the planning period may not match the levels assumed for the purposes of the EIR evaluation. As a result, actual environmental impacts associated

with Midtown area development during the planning period may ultimately turn out to be less than those described in the EIR.

2. Environmental Factors Potentially Affected

The Environmental Impact Report will identify the significant environmental impacts resulting from the construction and operation of the proposed project. The EIR will address the following specific environmental topics:

- a. Land Use.** Although most of the approximately 110-acre Midtown area has already been developed, the Midtown Community Plan would enable development and redevelopment at significantly higher intensities than exist in the area today. The proposed project's compatibility with surrounding land uses will be discussed in the EIR. The EIR will also include an evaluation of the project's potential to divide an established community. Appropriate mitigation measures will be identified for any significant land use impacts resulting from implementation of the Midtown Community Plan.
- b. Aesthetics.** Development anticipated under the Midtown Community Plan would change the existing visual character of the site from one of primarily flat vacant land and low rise buildings in most areas in Midtown to one of multi-story residential and non-residential structures oriented toward increased transit use. This change in land use could result in significant impacts to the visual character of the site and its surroundings. The EIR will describe the existing visual conditions of the Midtown area and address the potential effects on scenic resources or any degradation to the existing visual character. Additionally, although the Midtown area is already largely developed, development under the Midtown Community Plan could introduce new sources of light to the area. The EIR will discuss the potential adverse effects of lighting types within the Midtown area. Mitigation measures will be identified to address significant impacts, as appropriate.
- c. Population, Employment and Housing.** Implementation of the Midtown Community Plan would contribute to increased housing and job growth in Fremont. The EIR will describe the existing demographics of the Midtown area and vicinity and assess the impacts of the increased growth that will be created by the anticipated development in the Midtown area, to the extent that they might directly or indirectly result in physical changes to the environment. Appropriate mitigation measures will be identified for any significant population, employment, or housing impacts resulting from implementation of the Midtown Community Plan.
- d. Transportation, Circulation and Parking.** Development enabled by the Midtown Community Plan would affect the traffic and circulation patterns in the project vicinity. A Traffic Impact Analysis will be prepared for the Plan that studies 28 most likely impacted intersections in and around the subject area and effects on CMP roadways leading to the subject area in 2015 and 2035. The transportation impact analysis will evaluate baseline (existing and approved) conditions against traffic and transit impacts and the transportation improvements under the proposed project condition and cumulative project conditions. Plan-related traffic, including planned roadway improvements in the area, will be evaluated for conformance with the City's current Level of Service (LOS) policies that identify an acceptable LOS of E and waiver of LOS standards in support of desirable neighborhood design goals in the Central Business District. The study will analyze localized operations and circulation. The study will also analyze the Plan's compliance with adopted policies, plans, and programs supporting alternative modes of transportation. Mitigation measures for significant impacts and determination of feasibility will be identified. The results of this study will be incorporated into the EIR.

- e. Air Quality.** Development activity associated with implementation of the Midtown Community Plan could potentially increase emission concentrations in Fremont through increased vehicle trips and demolition and construction. The EIR will address potential air quality impacts resulting from these Plan-related activities and their potential effects on existing and future sensitive receptors. The EIR will also discuss Plan compatibility with regional air quality plans. Construction-related air quality impacts, such as vehicle exhaust and dust will be qualitatively discussed. Odors that may result from potential restaurant uses in the Midtown area will also be discussed. Mitigation measures will be identified for potentially significant air quality impacts, as appropriate.
- f. Noise.** The existing noise environment within the Midtown area is influenced by its proximity to busy local roadways. Construction and operation anticipated under the Midtown Community Plan will increase noise levels in the Midtown area. Existing and proposed land uses within the Midtown area include sensitive uses, such as existing and future residential uses. The EIR will assess potential noise impacts associated with Plan implementation, including impacts to existing and future development. Noise levels will be evaluated for consistency with City of Fremont standards and guidelines. Mitigation measures to reduce noise impacts will be identified, as appropriate.
- g. Hydrology and Water Quality.** The EIR will address any hydrology and storm drainage impacts that may occur as a result of implementation of the Midtown Community Plan. The Plan would facilitate beneficial impacts related to stormwater runoff as sites redevelop and include new treatment measures. The analysis will discuss whether water quality and discharge requirements would be met, whether existing drainage patterns would be affected or altered, and if water resources would be degraded or depleted. Mitigation measures will be recommended, as appropriate.
- h. Geology, Soils and Seismicity.** The Midtown area is located in a seismically active region of the State. The EIR will assess soil and geologic conditions of the Midtown area to address seismic hazards, including the potential for liquefaction, ground-shaking, soil erosion, and subsidence. Mitigation measures will be recommended, where appropriate.
- i. Hazards and Hazardous Materials.** Historical releases of hazardous materials on or near the Midtown area could expose construction workers to hazardous materials during development and, if present, hazardous materials, soils and groundwater could potentially affect future workers and users in the Midtown area. Development of the Midtown area would require the use of hazardous materials present in fuels, lubricants, and building materials. Operations following anticipated development may include the occasional use of hazardous materials. The EIR will include a description of the potential hazards on the site and the health and safety effects associated with development anticipated under the Midtown Community Plan. Mitigation measures will be recommended, where appropriate.
- j. Cultural and Paleontological Resources.** Although no cultural or paleontological resources have been formally identified within the Midtown area, there is a possibility that unidentified prehistoric archaeological sites may exist within the Midtown area. This section of the EIR will address potential impacts to historic, archaeological, and paleontological resources. Mitigation measures will be recommended, where appropriate.
- k. Public Services.** The Midtown area is currently within the service boundaries of police, fire, park, and school services. The change in use and intensity envisioned by the Midtown Community Plan would exert additional demands on service providers. The EIR will identify existing service providers serving the Midtown area, and will quantify the increase in service demands resulting from implementation of the Midtown Community Plan. The availability and adequacy of existing services will be analyzed. Mitigation measures will be recommended, where appropriate.

l. Infrastructure and Utilities. The Midtown area is currently served by water, wastewater, solid waste disposal, and other utilities based on previous development. The change in use and intensity envisioned by the Midtown Community Plan may exert additional demands on utility providers and infrastructure. The net effect of this demand increase could result in the need for new water supply and sewer infrastructure. Per the requirements of *CEQA Guidelines* Section 15083.5, a Water Supply Assessment has been requested for the Midtown Community Plan. Mitigation measures will be recommended for any utilities and infrastructure impacts associated with implementation of the Midtown Community Plan.

m. Global Climate Change. The EIR will quantify the annual greenhouse gas emissions associated with development under the Midtown Community Plan, and will evaluate Plan consistency with BAAQMD Guidelines. Greenhouse gas emissions associated with development under the Midtown Community Plan will originate from two main sources: automobiles and energy use for operations. The EIR discussion of greenhouse gases may highlight potential Plan features which may lead to greater energy efficiency, reduce water demand, or other reductions in pollutants associated with global climate change.

n. Planning Policy Analysis. This section of the EIR will summarize project consistency with City plans and policies relevant to the Midtown area, such as the City of Fremont General Plan. The *physical* impacts associated with any plan or policy conflicts would be addressed. Likewise, conflicts relating to federal, state, and regional policies would be addressed in the EIR.

o. Cumulative and Growth Inducing Impacts. The analysis of cumulative effects will address the potential impacts associated with implementation of the Midtown Community Plan in conjunction with other off-site, permitted, under-construction or probable future projects associated with the projected build-out of the General Plan. This analysis will cover all environmental topics discussed in the EIR (e.g., traffic, air quality, etc.) and will specify which areas are anticipated to result in significant cumulative impacts. Potential growth-inducing impacts will also be evaluated to adequately describe the nature of the Midtown Community Plan in relation to existing and proposed development. Mitigation measures will be recommended, where appropriate.

p. Alternatives. The EIR will examine a reasonable range of alternatives to the project, including the CEQA-mandated No Project Alternative. A second potential alternative is described below. Other potential alternatives that may be capable of reducing or avoiding potential environmental effects may be examined based on comments received on this Notice of Preparation or based on preliminary impacts analysis.

- *No Project Alternative.* The No Project alternative would be based on assumptions regarding the level of development which could currently be permitted and expected to take place under existing land use regulations within the Midtown area. Under the current General Plan designation and zoning for the Midtown area, this development would be expected to be largely non-residential, to provide a concentration of retail, service and office uses reflecting the needs of the entire city and the subregion.
- *Reduced Development Alternative.* The Reduced Development alternative would be based on the premise that the level of development which could take be expected to place within the Midtown area during the planning period could be limited to an average minimum FAR of 0.8 as a means of reducing possible Plan-related potential environmental impacts that may be identified through the EIR analysis (e.g., air quality impacts, greenhouse gas emission impacts, traffic impacts, etc.).

General Plan Land Use Diagram

Amended through April, 2008

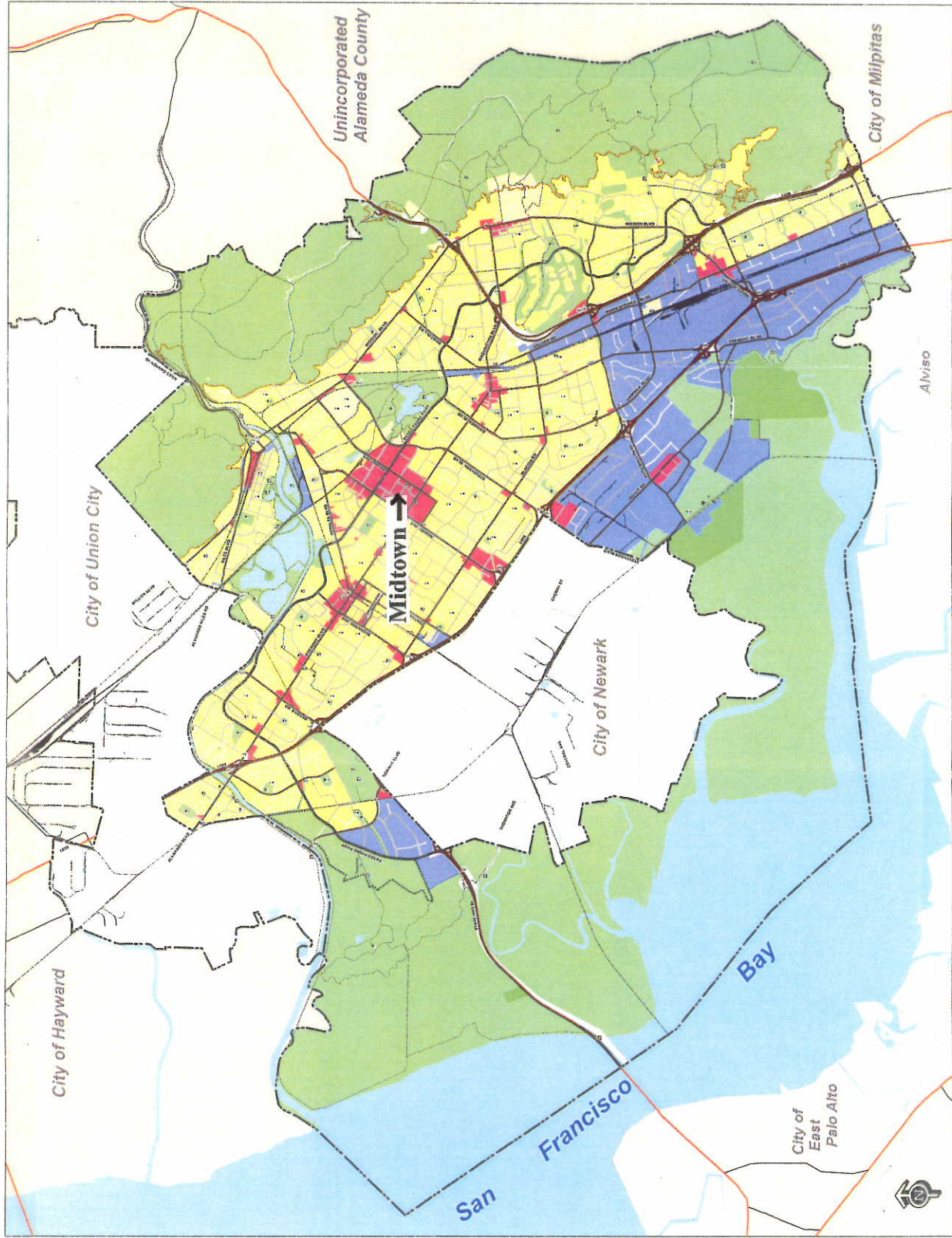
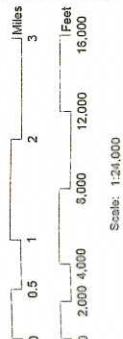
Land Use Classification

- Commercial
- Industrial
- Residential
- Commercial and/or Residential
- Open Space, Agriculture
- Open Space
- Public Facility
- City Boundary
- Freeway
- Parkway
- Arterial
- Collector
- Toe-of-the-Hill Line
- Trail
- Cemetery
- Fire Station
- Gateway
- Park
- School
- Trailhead
- BART Station- Existing or Proposed
- TRAIN Station- Existing or Proposed

This Land Use Diagram is one of several General Plan Diagrams which, when combined with the General Plan Text and other Land Use Overlay diagrams, constitutes the development policy for the City of Fremont.

Allowable land uses for specific parcels of land cannot be determined solely by reference to this Diagram. Contact the Community Development Department- Planning Division for the most up-to-date and relevant information.

USERS SHOULD VERIFY DESIGNATIONS, REGULATIONS, AND RESTRICTIONS BEFORE MAKING PROJECT COMMITMENTS.



MIDTOWN PROJECT AREA

 **City of Fremont**
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